

Appeal from decision by the Wyoming State Office, Bureau of Land Management, dismissing protest against rejection of 246 simultaneous noncompetitive oil and gas drawing entry cards. W 3112 (943d).

Affirmed.

1. Applications and Entries: Filing -- Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Filing

Under 43 CFR 3112.2-2(b) (1980), a single remittance is acceptable for a group of filings of drawing entry cards. However, if the remittance was insufficient to cover the \$10 filing fee per card, BLM properly determined that the entire group was unacceptable and returned the filings to the offerors.

APPEARANCES: Allen W. Taylor, pro se.

OPINION BY CHIEF ADMINISTRATIVE JUDGE PARRETTE

Allen W. Taylor appeals from the February 24, 1981, decision of the Wyoming State Office, Bureau of Land Management (BLM), dismissing his protest over the rejection of 128 drawing entry cards (DEC's) that he states were filed by his wife, Sybil W. Taylor, pursuant to the November 1980 list of lands for the December 24, 1980, Wyoming simultaneous oil and gas drawing. The basis for BLM's dismissal was that appellant's submission had not been accompanied by the required \$10 filing fee for each filing and that therefore appellant's submission had properly been returned to him immediately upon its receipt.

Appellant's March 30 notice of appeal does not contain, nor has he subsequently furnished, a formal statement of reasons. However, since he responded in detail on February 27 to BLM's letter of dismissal, we will treat that letter as sufficiently setting forth appellant's objections for the purposes of his appeal.

In his February 27 letter, as well as in his earlier (February 17) letter of protest, appellant consistently argues that BLM should not have rejected all of his DEC's and filing fees simply because the total amount submitted was \$10 short. Rather, he states that his wife Sybil's 128 cards were separately bound with two checks (\$420 and \$860) totaling the proper amount (\$1,280) and, thus, should have been processed. Unfortunately, the evidence in the file does not bear out appellant's contention.

Although the issue of the manner in which the DEC's were grouped at the time of their receipt by BLM is disputed -- BLM alleging that they were not submitted in an orderly fashion and appellant alleging that they were grouped by individual name -- and although appellant is correct in urging that there were 128 cards made out in his wife's name, the photostats of the checks received by BLM show clearly that neither the \$420 check nor the \$860 check was remitted by Sybil Tailor. Rather, the check identifying Sybil Tailor as remitter was in the amount of \$1,170, which bears no relation to the 128 cards submitted by Mrs. Tailor. Thus, appellant's contention is in error, and his protest to BLM with respect to his wife's cards was properly dismissed.

However, appellant also argues, at least in his February 17 letter, that when BLM noted that the 246 entries submitted for the Tailor family (Allen, Sybil, Brad, and Dorothy) were accompanied by three checks totaling only \$2,450, it should have simply pulled off and destroyed the top card and processed the rest.

This contention was discussed by the Board at length (in the context of one defective card and a \$10 filing fee shortage) in Federal Energy Corp., 51 IBLA 144 (1980); appeal voluntarily dismissed, Federal Energy Corp. v. U.S. Department of the Interior, C.A. No. 81-0433 (D.D.C., Apr. 27, 1981), in which the Board held that while 43 CFR 3112.2-2(b) (1980) of the regulations permits a single remittance for a group of DEC filings, where the remittance was insufficient to cover the \$10 filing fee per card BLM properly determined that the entire group was unacceptable and returned all the filings to the offerors. We find no reason to modify that principle in this case.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Bernard V. Parrette  
Chief Administrative Judge

We concur:

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Douglas E. Henriques  
Administrative Judge

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James L. Burski  
Administrative Judge